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17 Attorneys for Plaintiff North East Medical Services, Inc.

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA

<b>NORTH EAST MEDICAL SERVICES, INC.,</b>  <i>Plaintiffs,</i> v. <b>CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES AGENCY, et al.,</b>  <i>Defendants.</i>	<b>CASE NO. CV-10-2433-RS</b>  <b>STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE AND HEARING ON MOTION TO DISMISS AND ORDER</b>
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20 WHEREAS, Defendants have filed a Motion to Dismiss which was originally set for  
21 hearing on September 9, 2010, but was continued pursuant to stipulation to October 28, 2010 at  
22 1:30 p.m.

23 AND WHEREAS, the Case Management Conference in this matter is currently set for  
24 October 21, 2010 at 10:10 a.m.

25 AND WHEREAS, counsel for Plaintiff will be filing, within the next 30 days, at least  
26 one other case raising the same issues that are before this court in the above entitled action and  
27 will then seek to have such case(s) related and assigned to this court and the matters  
28 consolidated for purposes of judicial economy.

1 AND WHEREAS, although counsel for Defendants cannot stipulate that such case(s)  
2 are related or should be consolidated with the above entitled action until they have an  
3 opportunity to review the new case(s), and expressly reserve the right to oppose such requests,  
4 counsel for both parties believe that judicial economy will be served by continuing the Case  
5 Management Conference and the Motion to Dismiss to a later date.

6 THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff North East  
7 Medical Services, Inc. and Defendants California Department of Health Care Services, Health  
8 and Human Services Agency, the State of California and David Maxwell-Jolly, through their  
9 respective counsel, that the hearing on the Motion to Dismiss currently set for October 28, 2010  
10 at 1:30 p.m. and the Case Management Conference currently set for October 21, 2010 at 10:00  
11 a.m., both be continued to January 6, 2011 at 1:30 p.m. and Plaintiff's Opposition to the Motion  
12 to Dismiss will be filed on or before November 16, 2010.

13 Dated: September 3, 2010

Edmund G. Brown Jr.  
Attorney General of California

By: Sarah Kurtz  
Deputy Attorney General  
Attorneys for Defendants

17 Dated: September 7, 2010

FELDESMAN TUCKER LEIFER FIDELL LLP  
LAW OFFICES OF ROBERT F. KANE

By: Marisa B. Guevara, Esq.  
Attorneys for Plaintiff  
North East Medical Services, Inc.

## ORDER

22 On reading and filing the stipulation of the parties hereto and good cause appearing  
23 therefore,

24 IT IS HEREBY ORDERED that:

25 1. The hearing on the Motion to Dismiss currently set for October 28, 2010 at  
26 1:30 pm and the Case Management Conference currently set for October 21, 2010 at 10:00  
27 a.m. are both continued to January 6, 2011 at 1:30 p.m.

28 2. Plaintiff's written Opposition to the Motion to Dismiss will be filed on or

1 before November 16, 2010.

2 Dated: 9/8/10

  
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UNITED STATES DISTRICT COURT JUDGE